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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

GRANT R. WOOD

RESPONDENT

FINAL DECISION AND ORDER

LS0103221REB

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Grant R. Wood

PO Box 2223

Appleton, WI 54913

Wisconsin Real Estate Board

P.O. Box 8935

Madison, WI 53708

Department of Regulation and Licensing

Division of Enforcement

P.O. Box 8935

Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board . The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Grant R. Wood ("Wood"), date of birth 12/28/29, is licensed in the State of Wisconsin as a real estate salesperson having license # 94-40931. This license was first granted to him on 03/09/94.
2. Wood's most recent address on file with the Department of Regulation and Licensing is PO Box 2223, Appleton, WI 54913.
3. At all times relevant hereto, Wood was a real estate salesperson for Century 21 Great American, located at, 303 S Bluemound Dr., Appleton, WI 54914.
4. In January 1998, homeowners Alvin and Fern Speering received a "Courtesy Notice" from the Town of Grand Chute informing them of an Informational Meeting scheduled for February 4, 1998, regarding street improvements on the section of Bluemound Drive where they resided. The Notice informed them that the project was scheduled for 1998 and that it may have an impact on their property. The Notice also stated "Actual cost will not be available until a later date and you will be notified at that time". The Speerings were on vacation in California in January and February 1998, and were unable to attend the meeting. Upon their return they spoke to neighbors who had attended the February meeting and were told that no definite plans were yet confirmed and that further

Informational Meetings would be held. A copy of the Courtesy Notice from the Town of Grand Chute is attached as **Exhibit 1** and is incorporated herein by reference.

5. On or about April 15, 1998, the Speerings entered into a Residential Listing Contract-Exclusive Right To Sell agreement with Wood for the sale of their 3031 N. Bluemound Dr., Town of Grand Chute, WI property. The list price was \$122,500.00 with a broker's commission of 6 %. Wood was informed of the Courtesy Notice (Exhibit 1) at the time of the listing. A copy of the Residential Listing Contract-Exclusive Right To Sell agreement with Addendum is attached as **Exhibit 2** and is incorporated herein by reference.

6. Also on or about April 15, 1998, the Speerings, completed a Real Estate Condition Report for the 3031 N. Bluemound Dr. property. Line C24 of the Real Estate Condition Report reads; "I am aware of proposed or pending special assessments". Because the Speerings had not received a formal notice of assessments, they signed the document responding "No" to this statement. A copy of the a Real Estate Condition Report for the 3031 N. Bluemound Dr. property is attached as **Exhibit 3** and is incorporated herein by reference.

7. On or about April 20 1998, Buyer's Agent, real estate licensee Mike Meetz of Round Table Real Estate, Green Bay, WI, drafted a Residential Offer to Purchase on behalf of his clients, Richard & Nancy Meetz, for the 3031 N. Bluemound Dr. property. The offered price was \$120,000.00. This offer was presented to the Speerings by Wood on April 20, 1998. A copy of the Residential Offer to Purchase with Addenda A and S is attached as **Exhibit 4** and is incorporated herein by reference.

8. On or about April 20, 1998, the Speering's countered the Meetz' offer (Exhibit 4) with a selling price of \$121,000.00. On or about April 21, 1998, the Meetz' countered the counter and the Speerings accepted this last counter on April 22, 1998. By Amendment/Notice Relating To Offer To Purchase documents dated May 7, 1998, and May 18, 1998, contingencies were shown to have been met and the transaction was tentatively scheduled for closing on June 25, 1998. A copy of the Speering's Counter-Offer is attached as **Exhibit 5** and is incorporated herein by reference. A copy of the Meetz' Counter-Offer and Acceptance of Counter-Offer is attached as **Exhibit 6** and is incorporated herein by reference. A copy of the Amendment/Notice Relating To Offer To Purchase dated May 7, 1998, is attached as **Exhibit 7** and is incorporated herein by reference. A copy of the Amendment/Notice Relating To Offer To Purchase dated May 18, 1998, is attached as **Exhibit 8** and is incorporated herein by reference.

9. On or about April 30, 1998, Wood went to the Town of Grand Chute Planning Department and inquired about the proposed improvements on Bluemound Drive. He was informed that it was on the master list but no details or estimated costs were available. Wood alleges that this information was relayed to Mike Meetz. Mike Meetz denies receiving this information.

10. On or about May 21, 1998, Evans Title Companies, Inc. sent Wood and Mike Meetz, a "City Letter Notice". Paragraph #6 of the Notice states: "The City Letter discloses the following contemplated Special Assessment(s): street reconstruction". Line 6 B reads: "As the Offer does not indicate as to whether the seller or buyer will be responsible for this FUTURE ASSESSMENT, please INFORM THE CLOSING COORDINATOR as to who is responsible". Page 2 of he City Letter Notice indicates that as of May 19, 1998, the estimated cost of the project was "unknown at this time". Richard and Nancy Meetz were made aware of this Notice by Mike Meetz. A copy of the City Letter Notice dated May 21, 1998, is attached as **Exhibit 9** and is incorporated herein by reference.

11. After receiving the City Letter Notice (Exhibit 9) from Evans Title Companies, Inc., Mike Meetz alleges that he asked Wood if he had any further information regarding the street reconstruction and special assessment. Wood allegedly informed Meetz that the city had been talking about street construction for some years and that as of the date of his last inquiry, April 30, 1998, no date had yet been set for the construction work to begin. Michael Meetz, acting as Buyer's Broker, made no further effort to negotiate his client's potential responsibility for construction costs. Wood denies that Meetz ever discussed the City Letter Notice with him.

12. On or about June 22, 1998, the Town of Grand Chute notified the Speerings by Notice of Public Hearing that a hearing was scheduled for July 7, 1998, regarding the proposed road improvements. Also included with this Notice was the proposed cost for the road improvements with the preliminary assessment for Alvin E. Speering being listed as \$6,459.40. The Speerings received this Notice on June 24, 1998, and immediately informed Wood of its content. Wood went to the Speering's home and physically acquired the Notice and proposed assessment information that same day. A copy of the Notice of Public Hearing with attachments is attached as **Exhibit 10** and is incorporated herein by reference.

13. On or about June 26, 1998, closing took place for the 3031 N. Bluemound Dr. property. Wood alleges that immediately prior to the closing he verbally informed Mike Meetz that he had received the Notice of Public Hearing but did not have it with him at the time. Mike Meetz denies being so informed. Wood mailed the Notice of Public Hearing with attachments (Exhibit 10) to the Meetz' the same evening as the closing. They did not receive this information until a few days after closing, but well before the scheduled July 7, 1998, meeting. 14. The final special assessment for street improvements for Richard Meetz was \$4,676.62. The issue as to ultimate liability for payment of this special assessment was settled out of court with Wood agreeing to contribute in part. A copy of the final Special Assessment Bill dated October 17, 1998, is attached as **Exhibit 11** and is incorporated herein by

reference.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.
2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **Grant R. Wood** has violated:

a. Sections RL 24.025(1), RL 24.07(2) and RL 24.07(3), of the Wisconsin Administrative Code and sections, 452.133(1)(c), 452.14(3)(i) and 452.14(3)(L) of the Wisconsin Statutes by failing to disclose in writing to the Meetz' the Notice of Public Hearing dated June 22, 1998, with attached Proposed Assessment (Exhibit 10) prior to the June 26, 1998, closing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Grant R. Wood**, Wisconsin license #94-40931, be, and hereby is, REPRIMANDED.

IT IS FURTHER ORDERED, that Respondent **Grant R. Wood**, within six months of the date of this Order, successfully complete the following course modules from the 72 hour pre-licensing real estate salesperson's course at an educational institution approved by the Department of Regulation and Licensing:

- a. The Taxes and other Liens module-section RL 25.03(3)(g), of the Wisconsin Administration Code.
- b. The Ethical Real Estate Practices module-section RL 25.03(3)(m), of the Wisconsin Administration Code.

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent **Grant R. Wood** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Grant R. Wood**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that Respondent **Grant R. Wood**, pay **PARTIAL COSTS** in this matter in the amount of a \$250.00, within 30 days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Grant R. Wood** fails to pay the \$250.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Grant R. Wood**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and his failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 99 REB 188 be, and hereby is, closed.

Dated this 22nd day of March, 2001.

WISCONSIN REAL ESTATE BOARD

James Imhoff, Jr.

A member of the Board